

Memo



Date: March 8, 2010
File: Bylaw No. 10270
To: City Manager
From: City Clerk
Subject: Certificate of Sufficiency - South Pandosy Business Improvement Area - Bylaw No. 10270
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council receive the Certificate of Sufficiency dated March 8, 2010 pertaining to the proposed establishment of the South Pandosy Business Improvement Area;

AND THAT the South Pandosy Business Improvement Area Bylaw No. 10270 be advanced for adoption consideration.

Background:

At its regular Council meeting on Monday, January 25, 2010, three readings were given to the South Pandosy Business Improvement Area Bylaw No. 10270, which authorizes the establishment of the business improvement area ("BIA") for South Pandosy Area in Kelowna.

The proposed BIA includes 106 affected parcels of commercial property as determined by BC Assessment. The business improvement scheme would be implemented through the South Pandosy Business Association using funds raised through the levying of a tax on the lands and improvements for those affected properties over a 5-year period (January 1, 2010 through December 31, 2014 inclusive) pursuant to the provisions of the *Community Charter*.

Under the provisions of the *Community Charter*, notice of the proposed Business Improvement Area was advertised in the Kelowna Daily Courier and the Capital News on January 29 and February 3, 2010 and was posted on the notice board at City Hall on January 29, 2010. There were 129 notices mailed to the owners of the 106 affected parcels on Friday, January 29, 2010 giving a deadline of 4:00 p.m. Friday, March 5, 2010 for receipt of petitions against Bylaw No. 10270.

As of the deadline, the Office of the City Clerk has received 45 valid petitions against the adoption of Bylaw No. 10270. For the City Clerk to declare the petition sufficient, at least 53 valid signatures representing at least half of the affected parcels of land is required. The valid petitions must also represent at least half of the total assessed values of the affected parcels of land which is \$69,999,950.00. The 45 valid signatures contributed a total of \$69,330,800.00 of the assessed values.

As insufficient petitions against Bylaw No. 10270 have been received by the Office of the City Clerk prior to the petition deadline, Council may now consider adoption of the bylaw. However, given the close results of the petition, staff would like to provide Council with an alternate recommendation.

The alternate recommendation recognizes that as a new organization, the South Pandosy Business Association's efforts to establish a Business Improvement Area may require more time in order to gain greater support of the local business community, and in the process, perhaps consider restructuring the proposed boundaries.

Alternate Recommendation:

THAT Council receive the Certificate of Sufficiency dated March 8, 2010 pertaining to the proposed establishment of the South Pandosy Business Improvement Area;

AND THAT the South Pandosy Business Area Bylaw No. 10270 NOT be advanced for adoption consideration;

AND THAT Council authorize the provision of \$5,000 to the South Pandosy Business Association as a start up fee as was provided in the past to the Downtown Kelowna Association and the Uptown Rutland Business Association in support of efforts to establish their respective Business Improvement Areas;

AND FURTHER THAT the South Pandosy Business Association report back to Council by January 17, 2011 with regards to their activities towards gaining support for the establishment of a future South Pandosy Business Improvement Area.

Legal/Statutory Authority:

Community Charter, Sections 94, 211, 212 and 215

Legal/statutory Procedural Requirements:

Under the *Community Charter*, notices must be mailed to affected property owners, and advertisements must be placed in a local newspaper and be placed on a public notice board. Petitions against the proposed bylaw must be received by the Officer responsible for Corporate Administration (the City Clerk) by the deadline set by Council, and must be certified as sufficient or not, according to the requirements of the legislation.

Considerations not applicable to this report:

Internal Circulation:

Existing Policy:

Financial/Budgetary Considerations:

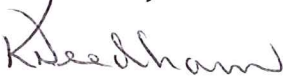
Personnel Implications:

Technical Requirements:

External Agency/Public Comments:

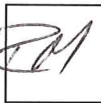
Communications Considerations:

Submitted by:



K. Needham, Deputy City Clerk

Approved for inclusion:



(R. Mayne, Corporate Services, Director)

CC:

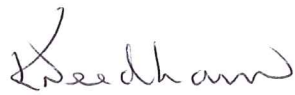
G. King, Revenue Manager

CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions **HAVE NOT** been received in relation to the South Pandosy Business Improvement Area Bylaw No. 10270 as detailed below.

Dated this 8th day of March, 2010.


K. Needham, Deputy City Clerk

Bylaw No. 10270	Description of Proposal	No. of Parcels	No. Required to Defeat Proposed Renewal of BIA (50%)	Total No. of Valid Petitions Received	Assessed Value Required to Defeat Proposed Renewal of BIA (50% of Total)	Total Petitioners' Assessment
South Pandosy Business Improvement Area Bylaw No. 10270	To establish the business improvement area for South Pandosy Implemented by the South Pandosy Business Association.	106	53	45	\$69,999,950.00	\$69,330,800.00